A

LETTER

FROM

Mr. DAWES

TO

JOHN HORNE TOOKE, Esq.

OCCASIONED

By a Part of his Speech to the MIDDLESEX FREEHOLDERS, assembled by public Advertisement of the Sheriff of that County, at HACKNEY, on WEDNESDAY, the 29th of MAY, 1782:

IN WHICH

An apparent Error, on a fundamental Principle of Government and Legislation, supported by Mr. HORNE's Credit and Eloquence, is refuted and exploded.

Magna vis & magnum nomen
Sunt unum & idem.

LONDON:
Printed for J. STOCKDALE, opposite *Burlington-House*, *Piccadilly*. 1782.

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TO

JOHN HORNE TOOKE, Eſq.

SIR,

AT a time when the Miniſtry affectionately pauſe over the miſerable conſequences of the political raſhneſs of their predeceſſors, I preſume to draw aſide your attention for a moment, and to offer you a few reaſons, as the whole which to me appears poſſible to be urged, that, when you aſſerted, at the late meeting of the Middleſex freeholders, a repreſentative in parliament to be the attorney of his conſtituents, and of courſe reſponſible to them for his parliamentary conduct, you was not altogether in the right.

You will, I am ſure, Sir, excuſe me for addreſſing you on this occaſion, which is rendered the more important by ſuch men as Locke, Sydney, and others, whoſe

authority in ſome meaſure defends your idea of parliamentary attorneyſhip and reſponſibility, when I declare, as I now ſincerely and re pectfully do, that I take nothing for granted from any man, however great his name, but perhaps too incautiouſly propoſe my objections, in order the better to underſtand what I may nevertheleſs be unable to correct.

An ingenious writer on government has ſomewhere ſaid, before me, that, "if nothing "be ever found fault with, nothing will "ever be mended;" and ſo ſenſible am I of the truth of this ſentiment, that I flatter myſelf there is no neceſſity to apologize to you for attempting to explode what may really be wrong, however ſpeciouſly right, when defended by the brilliancy of words not well comprehended, or the fertility of imagination warmed into an enthuſiaſtic love of unbounded liberty.

Doubting, however, whether learning, integrity, or genius, has moſt diſtinguiſhed you as a man, I feel much for the importance of the ſubject on which I am about

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to addreſs you; and it is the reſpect I owe to virtue; not ſo much that virtue which governs your private moral conduct, as that which has ever directed you in public: for, Sir, let thoſe who may have an intereſt in it, ſay what they will to the contrary, you are a known example, that, in the love of your country, you have forgotten mere ſelf, and you claſs among the few, the very few men, who view the conſtitution and laws of England in their principles, without wiſhing to participate of that plunder which too often lulls a pretended patriot to reſt.

Every thing therefore that falls from you muſt have its weight with your hearers, who, when told, as the Middleſex freeholders lately were by you at Hackney, that repreſentatives in parliament are the attornies of the people, may implicitly believe it, out of reſpect to the ſpeaker, without enquiring into the truth or conſiſtency of what they are told.

Hence, Sir, and as the ſubject of parliamentary attorneyſhip and reſponſibility

may be conſidered by ſome perſons as concluſive, I have, with all poſſible eſteem for your character, undertaken to prove the contrary; and having no motive but a love of truth, in the diſcovery of which I always think myſelf happily employed, I hope it will appear to you, that, however diſtant I may be from it on the preſent queſtion, I have no intention to deceive; but, that advancing nothing without the aſſignment of a reaſon, while I reſpectfully ſtrive to convince others, I humbly lay myſelf open to their conviction.

It has long been the faſhion to complain of public grievances; and an abundance of materials will be found, in the annals of the preſent reign, for ſome future hiſtorian to record its inglorioufneſs, and hand down to poſterity the tarniſhed luſtre of Engliſh liberty: yet, not to join in the general cry, or vociferate in the clamours of the vulgar, who ſeldom think right in any caſe, except by accident, it is here my intention to expoſe, if poſſible, the ſophiſtry of ingenious and deſigning men, who hold out an argument, which if maintainable would, I think,

think, degrade the character of a repreſentative, and reflect contempt on his conſtituents.

After all that has been written on the ſubject of parliamentary reſponſibility, it is ſomewhat extraordinary that thoſe who have denied it on one ſide, and affirmed it on the other, as a duty inſeparable from the character of a repreſentative, ſhould, more or leſs, avoid the truth, and embarraſs common ſenſe, in their reſpective but militating arguments. The republicans, of all men the moſt intolerant among themſelves, have maintained, in their reſpective conteſts for liberty, that a repreſentative in parliament is the *ſervant* of his electors; while, on the contrary, the elected have held, that the moment he is conſtituted, he is as perfectly his own *maſter* as before, and no ways *bound* to follow the directions of thoſe who have elected him. In the zeal common to all intereſted perſons, each ſide, on this important but far from difficult queſtion, appears erroneous. The ſticklers for reſponſibility contend, that becauſe conſtituents ſend a repre-

repreſentative to parliament to *ſerve* them, he loſes his equality in his election; and from being their *equal*, when a candidate for their voice, he becomes their *inferior* the inſtant it determines in his favour. The free and independent repreſentative, condemning this inference as extravagant and unjuſt, inſiſts that it abſolutely defeats itſelf. He defends the propriety and conſiſtency of his remaining, to all intents and purpoſes, his own maſter, as much ſo after his election, as when he offered himſelf as a fit perſon for a repreſentative.

If election were merely the hiring a man as a domeſtic ſervant, whatever might be his qualities and qualifications, the perſon elected would be a ſervile character, and be accountable to thoſe who elect him, as a ſervant in livery would be to a maſter, who hires him on ſtipulated wages. The ignorance and miſapplication of terms, abundantly uſual in all controverſies, where the diſpute would otherwiſe vaniſh, have long miſled the lovers of this argument to decide in its favour, becauſe formerly,

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before agriculture, manufacture, and commerce flouriſhed, when the buſineſs of legiſlation was confined and burthenſome, and when attendance in parliament was expenſive, repreſentatives received of their conſtituents a compenſation for it in money, which was readily paid, to prevent tyranny and preſerve public liberty.

Without enquiring into the original of parliaments, which by all accounts ſeems to be coeval with the kingdom itſelf, it is clear, from Magna Charta, in King John's time, or at leaſt in Henry the Third's, that knights, citizens, and burgeſſes, have regularly been called to parliament by the Kings of England as limited and executive princes. Every man in a free ſtate is his own governor, and forms a part of its legiſlature, a branch whereof extends to the whole body of the people, who in the inferior ſtates of Greece exerciſed their power in their collective capacity; but this being impracticable in larger territories, where the people are increaſed, it was very wiſely contrived, particularly in England, that to

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prevent tumultuous and diſorderly deliberations, the people ſhould do that by their repreſentatives, which it was inconvenient and next to impoſſible they could do in perſon. Counties therefore are repreſented by knights elected by the owners of lands; cities and boroughs by citizens and burgeſſes choſen by the trading part of the nation; hence knights, citizens, and burgeſſes, form *an aggregate of the whole body of the people, and are its entire repreſentation.* When it is ſaid that the people of England are not repreſented, it is imagined that many perſons among them never vote at elections; and this is true: yet if every perſon intereſted in the land, which he can ſcarcely be ſaid to be, if he do not poſſeſs a freehold of 40s.* a year, really have a vote for counties; and every perſon intereſted

* It is worthy remark, that the qualification of 40s. a year freehold, as eſtabliſhed by two ſtatutes, 8 and 10 Hen. VI. when compared with the value of land and money at this time, appears very trifling; and that though then intended to exclude indigent and ignorant perſons from voting at elections, it has a different effect now, 4cs. a year freehold in the reign of Henry VI. having been proved to be equal to 20l. a year (a knight's fee) in the preſent.

reſted, as a mechanic, or a tradeſman, have a vote for cities or boroughs, all are repreſented, except labourers and retainers, who, though natives and equally ſubject to the laws and conſtitution, are very well off, and may poſſibly become voters by their merit and induſtry. They are not a deputation of it; but they are the *conſtituents themſelves* to a legiſlative intent, as much ſo as if they were preſent in parliament. They are not the agents or attornies of thoſe who conſtitute them; if they were, it would involve a contradiction, by making them revocable at their conſtituents pleaſure, and accountable to them for their conduct. As repreſentatives they ſit in parliament as the conſtituents, who have ſent them there. They are the conſtituents themſelves; and juſt as two or more executors, under a will, form but one character, becauſe they repreſent only one: ſo one, two, or more repreſentatives in parliament form every conſtituent who has elected him or them. Two or more executors repreſent but one character, in which their own is loſt; but one,

two, or more repreſentatives in parliament act for himſelf or themſelves, as well as for thoſe who elected him or them. Thus every repreſentative, though choſen by a particular diſtrict, when elected and returned, ſerves for the whole realm. The end of his coming into parliament is not particular, but general; not barely to advantage his conſtituents, but the commonwealth; and to adviſe his Majeſty, as appears by the writ of ſummons —*de communi concilio ſuper negotiis quibusdam arduis, ſtatum & defenſionem regni Angliæ & eccleſiæ Anglicanæ concernentibus*; and therefore he is not bound, like a deputy of the United Provinces, * (who is reſponſible to his particular canton) to conſult with or take the advice of his conſtituents, unleſs he himſelf think it proper or prudent to

* Counties, cities, and boroughs, though diſtinct diviſions of England, are altogether united. Every Dutch province, on the contrary, is a diſtinct ſtate; conſequently thoſe men it ſends to the general aſſembly, are deputies, as appears by the fact that no public meaſure can bind all the ſtates, unleſs it paſs by a majority of their deputies voices, which puts them on a different footing to cities, counties, and boroughs, as they form altogether but one ſtate.

to do ſo. He being no deputy, no attorney, no agent, but the aggregate figure of all his electors, he is reſponſible only to his *his country at large in its general parliament*: his election makes him a part of the legiſlature, which, as it *cannot be revoked by his electors*, is only revocable by the king, who is the executive branch of parliament, and has the power to convene, or put an end to any, leſt it become perpetual.

Inſtead of a repreſentative's being reſponſible for his votes or conduct in parliament, which he gives to the beſt of his judgement, for the good of the nation in general, and not the particular diſtrict he repreſents, which would be partial and excluſive, ſuch votes or conduct are the votes or conduct of all his conſtituents, as much ſo as if they themſelves were all preſent in parliament. His electors chooſe him becauſe they deem him ſufficiently able, not *merely* to ſerve them legiſlatively, but in *common* with the reſt of the nation; and being not legally diſqualified, the conſtitution admits him to his ſeat in parliament. His learn-

ing, experience, and property, make him eligible to an office, in which, though he is naturally an individual, he is politically an aggregate character of all his electors, with whom he is morally equal, but to whom he is not ſubordinate, and of whom he is altogether independent as themſelves.

It were idle to imagine, that a county, city, or borough, would ſend a *ſervant* to parliament as their repreſentative; were the conſtituents all to aſſemble there collectively, would they deem themſelves ſervants, except to their country? The very name implies an inferior; and although, in the parliamentary hiſtory, and in particular ſpeeches, we find the word *maſters* made uſe of for *conſtituents*, it is but an *occaſional* word, of no other meaning than to catch the vulgar ear, and beguile it. Were there any diſtinction between the electors and elected, the latter would be more deſerving of the name of *maſters* than the former, who chooſe him, not only becauſe of the inconvenience and almoſt impoſſibility of their ſitting in parliament themſelves, but be-

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cauſe they think him better qualified to ſerve their country, and to counſel and adviſe with their prince on arduous and momentous occaſions relating to the kingdom. There is, however, no diſtinction whatever; all the repreſentatives in *commons* aſſembled being abſolutely all the electors in *the realm*, whoſe parliamentary exiſtence would be perpetual, but for the power of the King, who may diſſolve them at pleaſure; or the law, in putting them to a legal death at ſtated times, which incapacitates them from further parliamentary buſineſs, unleſs they be returned on any new ſummons for another election.

To admit the attorneyſhip or reſponſibility of a repreſentative would at once make him a broker and factor; and every troubleſome or half-witted conſtituent would, as his caprice ſuggeſted, claim a right to confer with and inſtruct him. Every partial ſet of electors would then, inſtead of leaving him to judge for himſelf and them of the national intereſt, break in upon his time, and abuſe it, by making him their conduit-pipe in par-

parliament of all their rude indigeſted and incoherent doctrine.

When Lord Percival's * conſtituents ſent inſtructions to him in 1742, he wiſely anſwered them thus: "Gentlemen, you are "welcome on all occaſions; and I look "upon this application as a freſh inſtance "of your friendſhip. As I have never "concealed my principles from you, ſo I "will never depart from them. The only "motives that direct my conduct are the "preſervation of the conſtitution of my "country, the ſecurity of the preſent "royal family on the throne, and the "common liberty of Europe: theſe views "I ſhall ever think inſeparable: in the "proſecution of them my judgement may, "my heart ſhall never fail me. I remem- my "ber, on your part, that to your inde- "pendent voice I owe my ſeat in parlia- "ment: on yours, I hope you will not "forget that I ought to be independent "there."—Certainly, and ſubject to no controul from them, whoſe buſineſs he does not tranſact *for* but *as* themſelves.—

"When

* Member for Weſtminſter.

" When I differ from your ſentiments, I " ſhall do it with reluctance; and then " only when I am convinced that your " true intereſt muſt extort it from me." A plain proof that he is not to be conſidered their ſervant, but their equal, who is better informed; not their attorney or agent, but themſelves refined; not their ſteward, but their counſel. "In ſuch caſe the crime is " equal to flatter popularity, or court power: " it becomes me to reſpect both; but it is " my duty to follow neither beyond thoſe " limits which the circumſtances of time, " prudence, and the public ſafety, can " alone determine."

Yet it does not follow that, becauſe repreſentatives are not *bound* to conſult with, or take the advice of, their conſtituents, it may never be proper or prudent to do ſo, as ſome have falſely concluded. They may want information. Thus the *Commons* did not think fit to grant Edward III. any tax until they conſulted their conſtituents; but this was the *Commons in groſs*, and not a *ſingle* repreſentative. And thus again

Mr.

Mr. Plummer, on the motion for repealing the Septennial Act, in 1734, ſaid, that the Houſe could not refuſe or agree to a propoſition for it, until they went home and conſulted their conſtituents. Here, as in all the other inſtances found in the parliamentary debates, though often miſapplied, it is ſeen that the conſulting with conſtituents is but matter of *occaſional opinion*, occaſionally obſerved as prudence optionally required; notwithſtanding what we find in a diſcourſe on government, and other ſpeculative tracts, by Milton, Locke, Sydney, and others, to the contrary; writers who, with all poſſible force of argument, have *occaſionally* endeavoured to make the repreſentative character a *ſervile* one, and held up members of parliament as *mere attornies* of the people, reſponſible to their particular conſtituents, and not to parliament, as guardians of the conſtitution. Their deluded adherents, who, giving up their own reaſon, have taken all they have ſaid for granted, have defended their principles, becauſe they have ſeen, in the *debates*, and *ſpeeches to electors*, that inſtruc-

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tions have often been given to, and often obeyed by repreſentatives. We know that the City of London ſent inſtructions to her members, 33 Ch. II. requiring them to inſiſt on their voting for the Excluſion Bill, when Sir Robert Clayton gave it as a reaſon, in his ſpeech on that occaſion, that his *duty* to his electors *obliged* him to vote *for* the bill. He, no doubt, was ſincere; and another member might be equally ſo in voting againſt it, contrary to *any* inſtruction, and equally warranted in his *duty* of doing it. Frequent have been the inſtances when repreſentatives have conſulted with and taken inſtructions from their conſtituents; but they are *not* bound to follow them (as a domeſtic ſervant, in obeying the orders of a maſter) beyond thoſe limits, as Lord Percival ſaid, which the circumſtances of time, prudence, neceſſity, and the public ſafety, can alone determine, of which they are, by virtue of their character, left alone to judge; their conſtituents in particular being, during their political exiſtence, politically dead; and when their

political exiſtence expires, their conſtituents riſe again to a new political purpoſe *.

To ſuppoſe the legiſlature, or ſupreme power, capable of working injuries would make the community *a-felo-de-ſe*. It being impracticable, as we have ſeen, to aſſemble the whole body of the people, to deliberate and conſult in parliament on their own welfare, they appear there by a repreſentation, and form a mutual check on the other branches of the legiſlature. They are a check on the nobility, as the nobility are a check upon them; while the King is a check on both, who is himſelf kept within due bounds by both houſes‡: thoſe writers, there-

* The long duration of parliament at preſent gives the repreſentative too much power; to leſſon which, and keep him more within the reach of the conſtituent, parliaments ſhould be triennial; and until this be effected, other checks or improvements ſignify little.—*See the Speech of Archibald Hutcheſon againſt the repeal of the Triennial Act, in the beginning of the reign of George I.*

‡ In a conſtitution like ours the ſafety of the whole depends on the balance of the parts, and the balance of the parts on their mutual independency on one another, although corruption, the laſt deadly ſymptom of agonizing liberty, has

therefore, who make the people *nothing*, becauſe their repreſentatives are *not* bound to conſult with them, are weak indeed! As the foundation of legiſlative power, they are *all*. Kings themſelves are their majeſty; Lords are born of them, and both are upheld by them: like mighty edifices, their foundation is buried in the ſuperſtructure, which falling, is prepared by the hand of the executive artiſt for another.

The idea of reſponſibility being thus vague and indefinite, all the arguments in favour of it turn on a miſtake of the queſtion. It is indiſputably clear from experience time out of mind, that repreſentatives are neither the attornies of the peo-

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has been avowed and defended in a nation hitherto free, as if the conſtitution were only a jumble of incompatible powers, that would fall to pieces except upheld by corruption. If any bias among them were really neceſſary, it would prove the conſtitution defective. There could not be a true repreſentation of the people, if corruption were requiſite to create an influence or preponderance in favour of any one power, in excluſion of the other; and our monarchy would be abſolute: hence it is the duty of the true friends of liberty to guard againſt ſuch influence, by not ſetting up any new form of government, but preſerving the old.

ple, nor reſponſible to their conſtituents, but to parliament: they are at liberty to conſult with or take information from them (not inſtruction, becauſe that implies an agency) as neceſſity and their own good ſenſe may require. If they offend the laws, break the peace, commit felony or treaſon, they loſe their privilege; their crimes work an incapacitation in them to ſit again in the ſame parliament: but the defenders of parliamentary attorneyſhip and reſponſibility would have it, that it is not theſe crimes marked out by the laws, but what they in their whimſical definitions may deem offenſive, that ought to make their repreſentatives reſponſible. It is their voting on particular queſtions, contrary to their conſtituents pleaſure, or any diſſatisfied part of them, that raiſes their crimes with them, as if they ſhould of right conſult with them, and take their directions how to vote. Supposing them even to be attornies, which they are not, if they were reſpectable in ſuch characters, and preſerved a neceſſary independence of their clients, who employ them to do that they cannot do themſelves,

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it would be highly mean and improper to conſult them in the conduct of the buſineſs in which they may be employed; what confuſion, jargon and miſchief would it produce, were they really reſponſible in this way? Members of Parliament would then be brokers indeed! and the buſineſs of the nation be commonly impeded by the fluctuating and contradictory ſentiments of conſtituents; legiſlation would be impermanent, if not at an end, and repreſentatives be no longer in place of their electors, for the purpoſe of promoting a general national intereſt; but every county, city, or borough, ſtudying its own reſpective advantage in excluſion of the other, againſt the very principle of legiſlation itſelf, would become a private faction, to the utter diſorder, if not the deſtruction of that liberty which it thence endeavours to obtain *.

There

* If it be objected, that a member of the Houſe of Commons is conſidered as a proxy for a multitude of people, and therefore cannot appoint a proxy in that Houſe, as a Lord of parliament may in the Houſe of Lords, who repreſents no perſon, the anſwer is prompt, that though the idea of repreſentation implies a proxyſhip in the repreſentative, yet it by no

There are men who, nevertheleſs, juſtly complain that the repreſentation of the people is inadequate; that a ſufficient number of members are not elected in proportion to the number of perſons who have property to protect; that the counties ſend too few, and the boroughs too many; that men of property who moſt require a voice in a Parliament, and have a greater number of conſtituents, are the eaſieſt overpowered there by men who poſſeſs the leaſt, and are elected by the leſs, which throws a balance of power into the hands of the Crown, to be exerted as Miniſters may ſee fit, in favour of any meaſures they pleaſe! However well founded theſe complaints may be (and they certainly are not without foundation) the attorneyſhip and reſponſibility of repreſentatives are foreign to the ſubject; were they actually accountable, ſuch complaints would ſtill remain; they might

no means ſeparates him from his conſtituents as a diſtinct character; he being to every conſtitutional purpoſe himſelf and them; and thus being one character repreſenting many perſons, he is not entitled to a proxy, as a Lord of parliament is in the Upper Houſe, who ſits there only as one character without repreſenting any.

might, it is true, as they now may if they pleaſe, receive inſtructions to ſupport a bill towards forming a new ſyſtem of repreſentation, but the King and Lords might reſpectively reject it; undoubtedly the Conſtitution is not ſo perfect as it would be, were a more complete repreſentation of the people eſtabliſhed. To effect this deſirable end, the conſtituting body ſhould aſſociate on the means, eſtabliſh a mutual and faithful correſpondence with each other, and univerſally reſolve to adopt ſuch mode of repreſentation by law, as will be equivalent to their numbers and property; or in default of this, to refuſe all new ſupplies until it were obtained*; fifty-ſix members, about a ninth

* Although Repreſentatives are neither called or ſent to Parliament by the Crown or their fellow ſubjects, merely to grant or withhold ſupplies, whenever the Conſtitution is invaded, they have a right to do either, until the defect be removed. Thus the Commons, in Charles the Firſt's time, refuſed him ſupplies till grievances were redreſſed——They are, as one branch of the Legiſlature, or Supreme Power, the guardians of the Conſtitution, delegated to watch, to check, and to avert every dangerous innovation; to propoſe, to adopt, and to cheriſh any ſolid and well-weighed improvement,—They are bound by every tye, natural and moral, to leave that Conſtitution to poſterity, amended if poſſible, but at leaſt without derogation.

a ninth part of the whole for England, would not then be ſent into Parliament by three hundred and ſixty-four votes, a number which, according to our beſt calculators, ought not to ſend in more than one member, ſince no member ſhould be elected by a majority of leſs then eight hundred, in order to give four hundred and ten thouſand voters their due ſhare of legiſlative power, without which, the majority of men of property are in the controul of a minority of temporizing adventurers, who have nothing to looſe, and who ſo greatly overbalance them, as to be able to carry any point in direct oppoſition to their intereſt or opinion.

Our repreſentation improved, no longer will two perſons, one for Newton, in the Iſle of Wight; the other for Old Sarum, where there is not a houſe, ſend in as many members as the ineſtimable worth of the City of London, in which the Livery, who elect them, are eight thouſand in number; no longer will people in low circumſtances be ſo obnoxious to bribery, or ſub-

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ject to controul.—By lopping off many of the boroughs *, whoſe intereſt would be ſufficiently blended with the counties in which they ſtand; by reſerving thoſe cities only, wherein trade and manufacture are actually carried on, and by encreaſing the number of county members, the nation at large would be leſs liable to corruption, be more remote from bribery, and further out of the reach of miniſterial influence, whoſe voice, though mild, compared to the ſtern commands of prerogative, might yet be ſoftened, and breathe to a greater good.

Let the conſtituting body direct their complaints where due, and they, and every verboſe declaimer may be relieved; they lament bribery and corruption, an inadequate repreſentation, and that the pooreſt

* It is a queſtion whether *any* of the boroughs ſhould be diſfranchiſed or not *de jure*. They may *de facto*, but that would be a dangerous precedent, and be a direction to Parliament to diſfranchiſe *all*.—The encreaſing the number of Knights for Counties is an idea of the late Lord Chatham's, and an admirable one too; in whoſe words "it would be "infuſing a portion of new health into the Conſtitution, "the better to enable it to bear its infirmities.

and feweſt men in number form a majority in the Houſe of Commons. But they forget, or are unwilling to recollect, that they give way themſelves to bribery and corruption, by holding up their votes to auction, and ſelling them for hire, without looking into, or regarding the qualities or qualifications of the perſon to whom they ſell them. Were conſtituents even *now*, never to vote for repreſentatives, but with a view to preſerve liberty and independence, undirected by any influence but their judgments, parliamentary repreſentation would be *leſs* open to miniſterial controul, and it would be compoſed of more liberal and independent men. But while they are venal and ſtudy private intereſt in the diſpoſal of their votes, the acquiſition whereof they make as dear as poſſible to their repreſentatives, with what face can they dare to complain of corruption and irreſponſibility in Parliament? Chace corruption, as the Lernean Hydra, from among them, and it will eventually abate among the repreſentatives, who finding their way into Parliament free and unbought, and themſelves reſpectable there, be-

becauſe choſen for their merit, abilities, and integrity, will then be independent, and as their conſtituents, undebauched and unpurchaſed. Such a conduct in the conſtituents, joined to a more complete repreſentation, would bid fair for that glorious reformation which they have ſo long cried out for; but as long, by their own narrow purſuits, hitherto principally prevented *.

In ſhort, Sir, while the whole nation is corrupt and abandoned, as the effects of the fallibility of human nature, in a ſtate of luxury, pride, vanity, and effeminacy, and individuals of all denominations are

* If the fountains of bribery and corruption were dried up by the people themſelves, and they would aſſociate with temper, firmneſs and moderation, it is probable they would ſucceed in procuring a more complete repreſentation, by preſenting, in ſeparate bodies, petitions to Parliament, according to law. This would be more regular and effectual than exacting conditions from candidates at their election; that they will all vote to ſuch an end, becauſe ſuch conditions may, after their election, be broken, without the forfeiture of a penalty, and in conſequence of a better judgment; and if they ſhould be refuſed, ſome member muſt yet be returned; who, for want of another, will be named by Government.

immerſed in ſcenes of ſenſuality, and ſacrifice every thing to gratify their falſe deſtructive pleaſures—while modeſty and prudence are laughed at as becoming only the *unfaſhionable*, and Virtue is little more than a name; it is wonderful that a country, and the only one in the world too, that can truly boaſt of freedom, ſhould be ſo well governed, and our lives and property ſo well protected as they are. It is an illuſtrious proof, were every other wanting, that amidſt the deluſion of our ſenſes, and the vitiated taſte of the people, there are men among us, ſufficiently tenacious of the national ſafety, to ſecure to us, *in ſpite of ourſelves (our greateſt enemies)* the continuation of our moſt excellent Conſtitution, with our native and unrivalled LIBERTY.

Thus, Sir, I have endeavoured to maintain, that a repreſentative in parliament ſits there for himſelf, and in the aggregate and independent character of all his conſtituents; ſubject to no controul but of the Conſtitution, and of the laws of England and of parliament; and that he therefore cannot

cannot be conſidered either as an attorney of the people, who have conſtituted him a member of the Houſe of Commons, or otherwiſe reſponſible to them for his conduct there, than according to his prudence and diſcretion.

I am ſenſible that the queſtion of parliamentary attorneyſhip and reſponſibility, though often talked of by lovers of liberty in the extreme, is not of any great magnitude; yet apprehending that with ſpeculative men, diſtinctions, however nice, are always worthy attention, I have been tempted to examine it with care, and to ſubmit what has occurred to me in conſequence to your better judgment; not forgetting that in political as in philoſophical points, it is natural for the beſt of us, in proportion as we refine upon them, to be more or leſs ſceptical, according as the ſtandard of truth may vary in fancy or fact.

For ought therefore that appears to the contrary, the point in queſtion admits, in my

my opinion, of little doubt; and while in every community an unlimited authority neceſſarily exiſts, and an obedience is required of every individual, it ſeems abſurd to ſuppoſe the people are above the authority they themſelves create, which they ſurely would be, were the maxim of Mr. Locke maintainable in practice as in theory, that there remains in them inherently a ſupremacy to remove or alter the legiſlature, when they find it act contrary to the truſt they have repoſed in it.

It muſt nevertheleſs be admitted, that with the people originates all power, which, if abuſed, after delegation, devolves to them; but it cannot be prudent or political in them to exert it, to the deſtruction of their whole frame of government, as eſtabliſhed by themſelves; except in thoſe caſes which are out of any ſtated rule, and in which a reform is indiſpenſible, for the ſake of their conſtitution and liberty, under which they can alone be happy and proſperous, according to the dignity of their nature.

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Parliamentary attorneyſhip and reſponſibility ſavours ſo much of Mr. Locke's theory, that to oppoſe the practice of it ſubjects one to a reproach from a particular ſet of men; but as you yourſelf have ſaid, all is not gold that glitters, I believe I am not alone in aſſerting that ſuch theory, bright as it may be, is every way impracticable: for if I am not groſsly miſtaken, the only bond by which the union of men ſubſiſts, is authority ariſing from themſelves, and an obedience by themſelves; both which are preſuppoſed by the laws; and where either of theſe are defective, the laws loſe of their effect. On the foundation of this bond, as I underſtand, every government reſts, however it may vary in form; and from a careful preſervation of it Engliſhmen have aſſerted their liberty, as a condition, under a power from whence there lies no appeal, however devolvable it may be, in particular inſtances, when new dangers muſt provide new remedies, as was the caſe in ſome degree at the Revolution. The limits wherein both ſubject and ſovereign are confined, cannot be underſtood but by examining

examining that conſtitutional government under which a man is born. If thoſe who command require obedience, and thoſe who obey inſiſt on liberty, the advocates on both ſides muſt fix a ſtandard ſomewhere. To the bleſſing of Engliſhmen this ſtandard is on a rock; and in all the ſtruggles for liberty which fill ſo many pages in our annals, it is clear that the law of the land is the baſis on which the rights of the imperial crown and people are eſtabliſhed. The law is the ſupreme authority, the general will, the ſovereign power; to which all muſt have recourſe: and the power of enacting and repealing ſtatutes being in the Crown and the two Houſes of Parliament, the unlimited power neceſſary to the exiſtence of every ſtate muſt be lodged in thoſe hands.

If we look back on thoſe convulſions in the kingdom, which have ſhaken the conſtitution, we find that the advocates for the power of the crown and thoſe for public liberty, have founded their claims on the law of the land; but we do not find an in-

inſtance, as I recollect, where liberty has claimed a right to ſuperſede the law; and the reaſon is obvious, becauſe liberty is a fence againſt ſlavery. Thus legal authority, which ſuppoſes reſiſtance, ſuppoſes alſo a contending power, which deſtroys government. I agree that the executive power muſt and ought to be reſponſible ſomewhere, which is in parliament, but that the legiſlative is without controul; and that although the one is ſubordinate, the other is unqueſtionable; no caſe being ſuppoſable which deſtroys all law, and compels men to build afreſh, any more than a river runs back to its ſource, on a new foundation; except as agrees with the theory of Mr. Locke, which would be univerſally ſet againſt the practice of the beſt of governments, if parliamentary attorneyſhip and reſponſibility were defendable on the true principles of moral or political juſtice.

I do not know, Sir, that I could appear to differ with you on any other point, without the hazard of a defeat in argument and

fact; and as it is impoſſible for you to revere more faithfully the conſtitution and laws of England, or to regard the true liberty of the ſubject with more jealouſy of intruſion and violation, than I do, I am perſuaded you will deliberate patiently on the particulars of this letter, if it be only to ſtrengthen, in your own opinion, the aſſertion you have made, ſhould the objections I have ſtarted die away in the peruſal.

I am,

SIR,

Your very reſpectful, and

Sincere humble Servant,

M. DAWES.

5th of June, 1782.

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